

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

111/40

IN RE:

John J. Puentes
Beatriz L. Puentes

DEBTOR(S)

§
§
§ No. 18-42853
§ Chapter 13
§
§

**AGREED ORDER MODIFYING CONFIRMED CHAPTER 13 PLAN
AND GRANTING ADDITIONAL AWARD OF ATTORNEY'S FEES**

ON THIS DATE the Court considered the Motion to Modify Confirmed Chapter 13 Plan (the "Modification Motion") filed on December 7, 2020 by the Debtor, John J. Puentes and Beatriz L. Puentes (the "Debtor"). The Modification Motion seeks to modify the terms of the confirmed Chapter 13 plan (dkt #29) in the above-referenced case (the "Confirmed Chapter 13 Plan"). The Court finds that the Modification Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-eight (28)-day negative notice language, pursuant to LBR 3015(h), which directed any party opposed to the granting of the relief sought by the Modification Motion to file a written response within 28 days or the Modification Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Modification Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the proposed plan modifications, together with any allegations contained in the Motion regarding the propriety of those plan modifications or the fulfillment of the requirements set forth in § 1329 of the Bankruptcy Code, stand unopposed. Therefore, the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Motion to Modify Confirmed Chapter 13 Plan filed on December 7, 2020 by the Debtor, John J. Puentes and Beatriz L. Puentes, is hereby GRANTED, the Confirmed Chapter 13 Plan is hereby MODIFIED in accordance with the provisions set forth in the Modification Motion, as amended by this Order, and the Chapter 13 Trustee shall adjust his distributions accordingly. The Chapter 13 Plan payment will resume on December 20, 2020 in the amount of \$1,325.00.

☒ **Part 8** of the Plan is **MODIFIED** with the inclusion of the following Special Provision:x.

Additional attorney fees paid to Richard A. Pelley in the amount of \$2,593.28 pursuant to an Agreed Order dated 10/28/2020.

IT IS FURTHER ORDERED that all provisions of the Confirmed Chapter 13 Plan not addressed by the Modification Motion or this Order remain in full force and effect.

IT IS FURTHER ORDERED that the request for an additional award of attorney's fees, as contained in ¶ 5 of the Modification Motion, is GRANTED and that Richard A. Pelley, is

awarded the sum of \$650.00 which shall be in addition to any other fees previously awarded or paid in this case.

Signed on 3/4/2021

Brenda T. Rhoades MD
HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

Agreed as to content and form:

\s\ Richard A. Pelley
Attorney for Debtors

\s\ Jeff LeForce
Attorney for Ch. 13 Trustee